

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**VICENTE VELAZQUEZ,**

**Defendant.**

**CASE NO. 8:09CR108**

## ORDER

This matter is before the Court on the Defendant's motion for leave to file objections to the Revised PSR out of time (Filing No. 31).

The Defendant objected informally to the probation officer. On July 17, 2009, the probation officer submitted the Revised PSR to the Court and counsel. According to defense counsel,<sup>1</sup> the Revised PSR includes an offense level calculation different from the calculation stated in the original PSR. The parties' deadline for filing objections to the Revised PSR was July 23, 2009. Defense counsel did not file objections or ask leave to file objections out of time. Tentative Findings were issued on July 30, 2009, and Amended Tentative Findings were filed on August 3, 2009. On August 6, 2009, the Defendant filed objections to the offense level calculation included in a motion for leave to file the objections out of time.

Defense counsel states that the change in the Revised PSR required research that due to his caseload could not be completed before the deadline for filing objections. It appears that counsel knew before the deadline expired that he might need an extension; however, a motion to continue the deadline was not filed.

<sup>1</sup>The Court does not receive copies of original draft PSRs.

IT IS ORDERED that the Defendant's motion for leave to file objections to the Revised PSR out of time (Filing No. 31) is denied.

DATED this 7<sup>th</sup> day of August, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge